

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

KATHRYN MAY KNOX,

Plaintiff,

vs.

Case No. 06-10428

HONORABLE SEAN COX
HONORABLE STEVEN D. PEPE

CITY OF ROYAL OAK, OFFICER
SCAFONE AND OFFICER ISAACSON,

Defendants.

**ORDER GRANTING IN PART AND DENYING IN PART DEFENDANTS' MOTION TO
COMPEL PRODUCTION OF WITNESS' STATEMENTS (DKT. #34)**

On September 19, 2006, Defendants filed their Motion to Compel Production of Witness' Statements (Dkt. #34). Defendants' motion was referred for hearing and determination pursuant to 28 U.S.C. § 636 (b)(1)(A). On November 14, 2006, a telephonic hearing was held regarding Defendant's motion. For reasons stated on the record and indicated below **IT IS ORDERED THAT:**

1. Defendants' motion is **GRANTED IN PART** as it pertains to the statement given by Ms. Lulu Hollow to Plaintiff's investigator.¹ On or before December 15, 2006, Plaintiff's counsel shall provide Defendants' counsel with a description of all factual elements contained within Ms. Hollow's statement, including the degrees of uncertainty Ms. Hollow may have

¹ The statement was originally a recorded interview. Plaintiff's counsel indicated on the record that the statement has now been transcribed and is approximately 6 to 7 pages in length.

expressed in answering questions.² Plaintiff's counsel indicated on that record that Ms. Hollow has now been deposed. This Order does not waive Plaintiff's right to pose objections at future depositions of Ms. Hollow.

2. Defendants' motion is **DENIED** as it pertains to the statement given by Mr. William Ashcroft to Plaintiff's investigator. Because Defendants failed to provide sufficient reasons why they should be provided with Mr. Ashcroft's statement, Defendants' motion is denied without prejudice.

The parties to this action may object to and seek review of this Order, but are required to file any objections within ten (10) days of service of a copy hereof as provided for in 28 U.S.C. § 636(b)(1) and E.D. Mich. LR 72.1(d)(2). Any objections are required to specify the part of the Order to which the party objects and state the basis of the objection. Pursuant to E.D. Mich. LR 72.1(d)(2), a copy of any objections is to be served upon this Magistrate Judge.

SO ORDERED.

Date: December 6, 2006
Ann Arbor, Michigan

s/Steven D. Pepe
United States Magistrate Judge

² It was discussed whether Plaintiff's counsel's distilled statement of facts and the original transcribed version of Ms. Hollow's statement should be submitted to the undersigned for *in camera* review. Defendants' counsel indicated on the record that such a review was unnecessary.

CERTIFICATE OF SERVICE

I hereby certify that on December 6, 2006, I electronically filed the foregoing paper with the Clerk Court using the ECF system which will send electronic notification to the following: Donna M. MacKenzie, Wolfgang Mueller, Jules B. Olsman, T. Joseph Seward, and I hereby certify that I have mailed United States Postal Service the paper to the following non-ECF participants: not applicable

s/ James P. Peltier
James P. Peltier
Courtroom Deputy Clerk
U.S. District Court
600 Church St.
Flint, MI 48502
810-341-7850
pete_peliter@mied.uscourts.gov